

REMARKS

In the Office Action of May 3, 2004, claims 1-3, 6-11 and 14-21 were presented for examination. Of these, all but claim 18 were rejected, claim 18 being indicated to contain allowable subject matter if rewritten in independent form. Additionally, claims 8-10 were indicated to be allowable if rewritten or amended to overcome a §112, second paragraph, rejection (discussed below) and claim 6 was indicated to contain allowable subject matter if rewritten to overcome a §112 rejection and to include all the limitations of the claims from which it depended. Additionally, an objection to the drawings was presented.

In response, Applicant has amended claims and cancelled claims and otherwise requests reconsideration.

Finality is Premature

As explained to the Examiner by telephone on July 27, 2004, the subject Office Action was prematurely designated as final. The undersigned noted to the Examiner that one need only refer to claim 8 to see that such claim has been rejected on new grounds and that such claim was not amended in response to the previous Office Action. Accordingly, the new ground of rejection is not necessitated by any previous amendment by Applicant. The Examiner requested that Applicant make this point of record and indicated that he would withdraw the finality of the Office Action. Accordingly, this response treats the Action as non-final.

Objections to the Drawings

The drawings were objected to under 37 C.F.R. 1.83(a) as supposedly not showing every feature that has been claimed. Additionally, the Examiner objected that the lettering in Figs. 1-6 was too small and blurred. Though these are two separate drawing objections, the Office Action discusses them in the singular and says “[T]he objection to the drawings will not be held in abeyance.” Applicant believes the Examiner has acted improperly in not holding the lettering size and clarity requirement in abeyance and requests reconsideration thereof.

With respect to the objection that a “control means” must be shown in claims 1 and 8 or cancelled from the claims, Applicant previously explained that an exemplary control means was shown, in the form of a control signal. The Examiner has not commented on Applicant’s

previous response and Applicant has no way of knowing why that response was not persuasive. Nonetheless, claims 1 and 8 are amended (with conforming amendments to appropriate dependent claims) to change “control means” to “at least one control signal.” Manifestly, as previously explained, the “Enable” signal, depicted in the drawing figures, is such a signal. Accordingly, this amendment to the claims obviates the objection to the drawings.

Claim Rejections - 35 U.S.C. §112

Claims 1, 3 and 8-10 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, with respect to claims 1, 3 and 8, the Examiner has ruled that “control means for selecting...” is indefinite as being misdescriptive. In support of this position, he refers to Fig. 5 as not showing “control means” that selects first and second driving means and Fig. 8 as showing a switched current feedback amplifier that is not related to the “control means.” He states that the circuit of Fig. 8 has outputs that are not used to select the first and second driving means shown in Figs. 5 or 6 and then requests Applicant to point out the “control means.” Again, Applicant believes that the claims examined were absolutely clear and understandable, and that it will be appreciated that one exemplification of control means involves one or more control signals as shown in the drawings. Nonetheless, to advance prosecution, Applicant has amended claims 1 and 8 to substitute for “control means” the expression “at least one control signal.” Not only is the new expression definite (as was the old), but also it avoids invocation of 35 U.S.C. §112, paragraph 6. This amendment clearly establishes that the control for selecting between the first and second driving means is provided by at least one control signal. In one embodiment of the present invention, this is the Enable signal. As previously discussed, when the Enable signal is at ground, enb (the logic control input signal) is high and en (the logic complement of the logic control signal) is low, switching off the bridge current drive and allowing the voltage drive to drive the line. Conversely, when the Enable signal is low, enb is low and en is high, whereby the voltage drive is switched off and the line is driven by the current drive.

Manifestly, no new matter has been added.

With respect to claim 8, the Examiner also asserts that the recitation “the terminating elements are coupled to the mid-point termination voltage and the lines” is indefinite as being

misdescriptive. In support, he points to Fig. 5 as showing that two terminating elements 53, 54 are connected to the output terminals of the first and second drivers but no mid-point termination voltage is seen. Be that as it may, Fig. 5 is an inappropriate reference. Fig. 5 is merely a block diagram and thus does not show, and is not intended to show, every circuit connection in detail. Rather, the Examiner's attention is drawn to Fig. 6, which provides a detailed example of a circuit according to the present invention. There, it is very clear from Figs. 6A and 6B that the terminating elements are coupled to the mid-point termination voltage. This was described in detail in response to the Office Action of August 11, 2003.

Further, it appears the Examiner has misconstrued claim 8 and has given it a reading that no one skilled in the art reasonably could have been expected to give the claim. To categorically obviate such a misreading, a comma has been added to the claim. The Examiner has read the words "the terminating elements are coupled to the mid-point termination voltage and the lines" as though it were written "the terminating elements are coupled to *both* the mid-point termination voltage and the lines" whereas the clause should be read in two parts, the first part detailing that "the terminating elements are coupled to the mid-point termination voltage;" and the second part reciting "and the lines are driven from the bridge current driver." This latter phrasing relates to the fact that on selection of the bridge current driver, the lines are driven by the bridge current driver. Again, the inserted comma should obviate the misreading to which the Examiner fell victim.

Claims 9 and 10 were indicated to be indefinite because of the "technical deficiencies" of claim 8. Accordingly, it will now be understood that all of claims 1, 3 and 8-10 completely satisfy the requirements of 35 U.S.C. §112, second paragraph. The rejection should therefore be withdrawn.

Claim Rejections - 35 U.S.C. §102/Allowable Subject Matter

While various claims were rejected under §102, as Applicant has noted above, claims 6, 8 and 18 were indicated to define allowable subject matter. Without prejudice or disclaimer, Applicant has amended claim 1 to incorporate the limitations of claim 6 and has amended claim 11 to incorporate the features of claims 16-18. Further, claim 21 has been amended to parallel in

scope claim 1. Accordingly, the issues raised in the §102 rejection are left for another day. The independent claims now pending in the application are thus in condition for allowance.

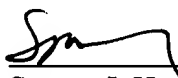
CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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